

ESTTA Tracking number: **ESTTA568329**

Filing date: **10/31/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	ActII Jewelry, LLC d/b/a lia sophia		
Entity	Limited Liability Company	Citizenship	Delware
Address	1235 North Mittel Blvd. Wood Dale, IL 60191 UNITED STATES		

Correspondence information	Milton Springut Partner Springut Law PC 75 Rockefeller Plaza 19th Floor New York, NY 10019 UNITED STATES ms@springutlaw.com, tbenschar@springutlaw.com Phone:212-813-1600
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### Applicant Information

Application No	85912651	Publication date	10/01/2013
Opposition Filing Date	10/31/2013	Opposition Period Ends	10/31/2013
Applicant	Alisia & Co., LLC 5255 North Edgewood Drive, Suite 225 Provo, UT 84604 UT		

### Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3193032	Application Date	02/09/2006
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	LIA SOPHIA		

Design Mark	<b>LIA SOPHIA</b>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2004/06/25 First Use In Commerce: 2004/06/25 Jewelry

U.S. Registration No.	2952808	Application Date	04/15/2004
Registration Date	05/17/2005	Foreign Priority Date	NONE
Word Mark	LIA SOPHIA SHARE THE LOVE OF JEWELRY		
Design Mark	<b>LIA SOPHIA SHARE THE LOVE OF JEWELRY</b>		
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2004/06/25 First Use In Commerce: 2004/06/25 jewelry		

Attachments	78810742#TMSN.jpeg( bytes ) 76586915#TMSN.gif( bytes ) ACTII 0204 - Notice of Opposition001.pdf(45338 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Milton Springut/
Name	Milton Springut
Date	10/31/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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ACT II JEWELRY, LLC d/b/a lia sophia,

*Opposer,*

Opposition No.

v.

Serial No.: 85/912651

ALISIA & CO.,

Mark: MIALISIA & CO.

*Applicant.*

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**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 85/912651 for registration of the mark MIALISIA & CO. for “jewelry” in International Class 14, which Application was filed on April 23, 2013 by Alisia & Co. (“Applicant”) and which was published in the Official Gazette on October 1, 2013.

Act II Jewelry, LLC doing business as lia sophia, a limited liability company organized under the laws of the State of Delaware, having its principal office and place of business at 1235 N. Mittel Blvd., Wood Dale, Illinois 60191 (“Opposer”) believes it will be damaged by registration of the mark, and hereby opposes same.

The grounds for Opposition are as follows:

1. Opposer, its predecessors in interest and affiliated companies have used the marks LIA SOPHIA and LIA SOPHIA SHARE THE LOVE OF JEWELRY in connection with jewelry items since at least as early as 2004.

2. Opposer is the owner of the following relevant U.S. Trademark Registrations on the Principal Register in the United States Trademark Office, which registrations are valid and subsisting:

MARK	REG. NO.	REG. DATE	GOODS
LIA SOPHIA	3,193,032	January 2, 2007	Jewelry
LIA SOPHIA SHARE THE LOVE OF JEWELRY	2,952,808	May 17, 2005	Jewelry

3. By reason of Opposer's continued and exclusive use, promotion and advertising of such marks in the United States and throughout the world, such marks have become identified and recognized as indicators of the source of Opposer's high quality jewelry products.

4. Applicant proposes to use the mark MIALISIA & CO. in connection with "jewelry," the identical goods of Opposer.

5. Applicant's proposed mark is confusingly similar in sound and commercial impression to Opposer's mark such that there is a substantial likelihood that consumers will be confused by Applicant's use of its proposed mark in connection with Applicant's goods resulting in irreparable harm and damage to the Opposer.

WHEREFORE, Opposer requests that the registration sought by Applicant be refused and that this Opposition be sustained.

Respectfully Submitted,

Milton Springut

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Milton Springut, Esq.  
Tal S. Benschar, Esq.  
SPRINGUT LAW PC  
75 Rockefeller Plaza, 19<sup>th</sup> Floor  
New York, New York 10019  
(212) 813-1600

Dated: October 31, 2013

CERTIFICATE OF SERVICE

YASMIN CRUZ declares that:


1. I am an assistant employed by SPRINGUT LAW PC, attorneys for Opposer in the captioned proceeding, and that on the execution date which appears below, I caused to be served via email and U.S. Mail the annexed **NOTICE OF OPPOSITION** upon the following addressee:

Christopher J. Day, Esq.  
LAW OFFICE OF CHRISTOPHER DAY  
9977 N 90th Street, Suite 155  
Scottsdale, Arizona 85258-4499  
*chris@daylawfirm.com*

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on October 31, 2013  
New York, New York

By: \_\_\_\_\_

  
Yasmin Cruz